

REMARKS

In accordance with the foregoing, claims 1, 21-25, 29 and 32 have been amended, claim 7 has been cancelled without prejudice or disclaimer, and claims 1-6, 8-13 and 21-32 are pending and under consideration. No new matter is presented in this Amendment.

REJECTIONS UNDER 35 U.S.C. §101:

Claims 8-13 and 21-31 are rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. In particular, the Examiner alleged that the inclusion of a carrier wave within the scope of possible computer readable media rendered claims 8-13 and 21-31 nonstatutory.

Claims 8-13 and 21-31 are directed toward a computer readable medium having a data structure recorded thereon. As indicated in MPEP § 2106.01 (incorporating the Interim Guidelines cited by the Examiner), "a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory." Claims 8-13 and 21-31 recite a computer readable medium encoded with a data structure, and are therefore directed toward statutory subject matter.

The Examiner, however, asserts that a carrier wave is not a permissible computer readable medium under 35 U.S.C. § 101. MPEP § 2106.01 indicates that permissible computer readable media includes an "electromagnetic carrier signal". The range of computer readable media disclosed in the specification, which includes carrier waves, is thus included within the range of permissible computer readable media under 35 U.S.C. § 101. Accordingly, the rejection of claims 1-8 and 21-31 under 35 U.S.C. § 101 should be withdrawn.

REJECTIONS UNDER 35 U.S.C. §102:

Claims 1-7 and 29-32 are rejected under 35 U.S.C. §102(e) as being anticipated by Nonomura et al. (U.S. Publication 2003/0108338). Claim 7 has been cancelled without prejudice or disclaimer and the limitations of claim 7 have been incorporated into claims 1, 29, and 32.

Nonomura discloses a method and apparatus for displaying contextual menus, or other reproduction control information, to a user when displaying a slide show and accompanying audio (paragraphs 8, 9). The apparatus includes a decoder to decode the image and the audio data (paragraph 225). The decoder uses a system time clock (STC) and a presentation time stamp (PTS) to decode the image and the audio (paragraph 224). Although the output timing of an audio object is determined based on the PTS, the audio and video data are both decoded simultaneously using the STC (paragraphs 220, 224.)

In contrast, claim 1 recites, *inter alia*, a mainstream system time clock counter, to provide a system time clock sequence which controls the decoding time of the mainstream packet data by the mainstream decoder, and a sub-audio system time clock counter, to provide a system time clock sequence which controls the decoding time of the sub-audio packet data by the sub-audio decoder and is independent of the system time clock sequence of the mainstream system time clock counter.

Nonomura does not disclose all the limitations of claim 1. For example, Nonomura fails to disclose a sub-audio system time clock counter, to provide a system time clock sequence which controls the decoding time of the sub-audio packet data by the sub-audio decoder and is independent of the system time clock sequence of the mainstream system time clock counter. Nonomura discloses only one system time clock counter, at paragraphs 224-226. This system time clock is used to decode both the video (still image) data and the audio data (paragraph 224, "the decoder refers to the STC to output the audio information and the still picture information..."). The STC used by Nonomura to decode the still image data must be dependent on the STC to decode the audio data, since the same STC is used to decode both. Thus, Nonomura does not disclose a sub-audio system time clock counter independent of the system time clock sequence of the mainstream system time clock controller. Since Nonomura does not disclose all the limitations of claim 1, the rejection of claim 1 should be withdrawn.

As to claims 2-6, claims 2-6 depend from claim 1. The rejection of claims 2-6 should be withdrawn for the reasons given above with respect to claim 1. In addition, with respect to claim 4, Nonomura discloses a remote control and apparatus having a fast-forward and rewind feature (paragraph 242). However, Nonomura does not disclose that these operations are performed seamlessly.

As to claim 29, claim 29 contains language similar to claim 1. The rejection of claim 29

should be withdrawn for at least the reasons given above with respect to claim 1. Claims 30 and 31 depend from claim 29; the rejection of claims 30 and 31 should be withdrawn for at least the reasons given with respect to claim 29.

As to claim 32, claim 32 contains language similar to claims 1 and 4. The rejection of claim 32 should be withdrawn for at least the reasons given above with respect to claims 1 and 4.

REJECTIONS UNDER 35 U.S.C. §103:

Claims 8-13 and 21-27 are rejected under 35 U.S.C. §103(a) as being unpatentable over Nonomura et al. (U.S. Publication 2003/0108338) in view of Hamada et al. (U.S. Publication 2002/0135608).

Claims 22-24 have been amended to change the order in which the claims are presented in order to provide proper antecedent basis for the limitations in the claims. Claim 22 has been rewritten to correspond to prior claim 24, and claims 23 and 24 have been rewritten to correspond to prior claims 22 and 23, respectively. In addition, claim 22 (containing the limitations of former claim 24) includes antecedent basis for "the in time" and "the out time" recited in former claims 22 and 23 (the limitations of which are now found in claims 23 and 24, respectively.)

As to claims 8-13, claims 8-13 depend from claim 1. As discussed above, Nonomura does not disclose all the limitations of claim 1. Hamada does not rectify the deficiencies identified in Nonomura. Hamada discloses a method to enable data for reproduction to be selected easily using a thumbnail (paragraph 8). Hamada does not disclose a sub-audio system time clock counter to provide a system time clock sequence which controls the decoding time of the sub-audio packet data by the sub-audio decoder and is independent of the system time clock sequence of the mainstream system time clock counter. Since neither Nonomura nor Hamada disclose the above-mentioned limitation, the combination of Nonomura and Hamada cannot disclose the above-mentioned limitation either. Accordingly, the combination of Nonomura and Hamada does not disclose all of the limitations of claims 8-13 and the rejection of claims 8-13 should be withdrawn. In addition, claim 25 has been amended to include some of the limitations of claim 13. The rejection of claim 13 should be withdrawn for the reasons given below with respect to claim 25.

As to claim 21, claim 21 contains language similar to claim 1. The rejection of claim 21 should be withdrawn for the reasons given above with respect to claim 1. Claims 22-24 depend from claim 21. The rejection of claims 22-24 should be withdrawn for the reasons given with respect to claim 21. In addition, limitations in claim 22 have been incorporated into claim 25. The rejection of claim 22 should also be withdrawn for the reasons given below with respect to claim 25.

As to claim 25, the combination of Nonomura and Hamada fails to disclose all the limitations of claim 25 as amended. For example, the combination fails to disclose characteristic point information which includes an EP map, which includes information on a number of entry points of the predetermined clip, the position of a system time clock sequence corresponding to each of the system time clock sequences in the predetermined clip, and a presentation start time of each of the system time clock sequences in the predetermined clip. The Examiner concedes that Nonomura does not disclose this limitation. However, Hamada also fails to disclose this limitation. Hamada does disclose a file having information pertinent to characteristic point information (CPI) (paragraph 114). However, Hamada discloses this information as representing feature points, such as random access start points (paragraph 114). Hamada does not disclose that the CPI includes an EP, as recited in claim 25. Hamada discloses an STC_sequence_id and start and end points of PlayItems, but this information is not disclosed as part of the CPI; rather, Hamada discloses that this information is part of a PlayItem (paragraph 121). Thus, Hamada does not disclose a CPI which includes an EP map, as recited in claim 25. Since neither Nonomura nor Hamada disclose this limitation, the combination cannot disclose this limitation, and the rejection of claim 25 should be withdrawn.

Claims 26 and 27 depend from claim 25. The rejection of claims 26 and 27 should be withdrawn for at least the reasons given above with respect to claim 25.

Claim 28 is rejected under 35 U.S.C. §103(a) as being unpatentable over Nonomura et al. (U.S. Publication 2003/0108338) in view of Hamada et al. (U.S. Publication 2002/0135608) and further in view of Sawabe et al. (U.S. Publication 2002/0176695).

Claim 28 depends from claim 25. As discussed above, the combination of Nonomura and Hamada does not disclose all the limitations of claim 25. Sawabe discloses a method and apparatus to generate a still image from a video reproduction (paragraph 8). Sawabe does not

disclose disclose characteristic point information which includes an EP map, which includes information on a number of entry points of the predetermined clip, the position of a system time clock sequence corresponding to each of the system time clock sequences in the predetermined clip, and a presentation start time of each of the system time clock sequences in the predetermined clip. Since neither Nonomura, Hamada, or Sawabe disclose this limitation, the combination of Nonomura, Hamada, and Sawabe cannot disclose this limitation, and the rejection of claim 28 should be withdrawn.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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